

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

| | | |
|---|---|--------------------------------------|
| JOHN DOE, | : | No. 1:19-CV-2193 |
| Plaintiff | : | |
| | : | Judge Conner |
| v. | : | |
| | : | |
| COMMONWEALTH OF PENNSYLVANIA, <i>et al.</i>, | : | Electronically Filed Document |
| Defendants | : | |

MOTION TO DISMISS THE SECOND AMENDED COMPLAINT

Defendants Commonwealth of Pennsylvania and Department of Human Services hereby move to dismiss the Second Amended Complaint against them, pursuant to Federal Rule of Civil Procedure 12(b)(6). A brief in support will be filed within the time requirements of Local Rule 7.5.

Respectfully submitted,

**JOSH SHAPIRO
Attorney General**

**By: s/ Caleb Curtis Enerson
CALEB CURTIS ENERSON
Deputy Attorney General
Attorney ID 313832**

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**KAREN M. ROMANO
Chief Deputy Attorney General
Civil Litigation Section**

Date: 26 April 2021

**Counsel for Defendants
Commonwealth of PA and DHS**

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CERTIFICATE OF NON-CONCURRENCE

I contacted counsel for the Plaintiff via email regarding concurrence; while the undersigned did not hear from Plaintiff's counsel at the time of this filing, the undersigned presumes that the Plaintiff does not concur, given the nature of the Motion and Plaintiff's previous non-concurrence with a Motion to Dismiss the First Amended Complaint.

s/ Caleb Curtis Enerson
CALEB CURTIS ENERSON
Deputy Attorney General

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of April, 2021, I caused to be served a true and correct copy of the foregoing document to all counsel of record via ECF.

s/ Caleb Curtis Enerson
CALEB CURTIS ENERSON
Deputy Attorney General

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ORDER

AND NOW, this _____ day of _____, 2021, upon
consideration of the MOTION TO DISMISS THE SECOND AMENDED
COMPLAINT, and the response of the Plaintiff, it is hereby ORDERED that the
MOTION is GRANTED. Defendants Commonwealth of Pennsylvania and
Department of Human Services are DISMISSED WITH PREJUDICE.

Christopher C. Conner
United States District Judge